

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

EAGLE HARBOR HOLDINGS LLC, and  
MEDIUSTECH LLC,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

Case No.

**COMPLAINT FOR PATENT  
INFRINGEMENT AND DEMAND  
FOR JURY TRIAL**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Eagle Harbor Holdings, LLC and MediusTech, LLC, by and through the undersigned attorneys, hereby bring this Complaint for patent infringement against Defendant Ford Motor Company, and allege as follows:

**THE PARTIES**

1. Eagle Harbor Holdings, LLC ("Eagle Harbor") is a limited liability company duly organized under the laws of the state of Washington, with its principal place of business at 175 NE Parfitt Way, Suite S140, Bainbridge Island, Kitsap County, WA 98110. It is the owner of U.S. Patents Nos. 6,615,137, 6,629,033, 6,771,208, 6,778,073, 7,146,260, 7,778,739, and 7,793,136 (the "Patents in Suit").

COMPLAINT FOR PATENT INFRINGEMENT AND  
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No.

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1           2.       MediusTech, LLC (“MediusTech”) is a limited liability company duly  
2 organized under the laws of the state of Washington, with its principal place of business at  
3 175 NE Parfitt Way, Suite S140, Bainbridge Island, Kitsap County, WA 98110. It is the  
4 exclusive licensee, from Eagle Harbor, of the Patents in Suit in the field of use in  
5 automobiles.  
6

7           3.       On information and belief, Defendant Ford Motor Company (“Ford”) is a  
8 Delaware corporation having its principal place of business at 1 American Road, Dearborn,  
9 MI 48126.  
10

### 11                                   **JURISDICTION AND VENUE**

12           4.       This is an action for patent infringement arising under the patent laws of the  
13 United States, Title 35 of the United States Code. This Court has subject matter jurisdiction  
14 over this action under 28 U.S.C. §§ 1331 and 1338(a).  
15

16           5.       Venue is proper in this Federal Court pursuant to 28 U.S.C. §§ 1391(b)-(c)  
17 and 1400(b) in that a substantial part of the events giving rise to the claims occurred in this  
18 district and Ford has a regular and established practice of business in this district and has  
19 committed acts of infringement in this district.  
20

### 21                                   **FACTUAL BACKGROUND**

22           6.       Eagle Harbor’s predecessor Medius, Inc. (“Medius”) was founded in 2000 by  
23 Dan Preston to develop technologies in the areas of information systems, communications,  
24 and computer science. Dan Preston is an inventor of most of the Patents in Suit, and Medius  
25 was the original assignee of all the Patents in Suit except U.S. Patent No. 7,793,136. Eagle  
26 Harbor, which was incorporated in 2010, is the successor-in-interest of Medius and the  
27 original assignee of U.S. Patent No. 7,793,136.  
28

1           7.       From 2002 to 2008, Dan Preston and other Medius personnel engaged in  
2 numerous meetings and communications with representatives of Ford and Volvo (which was  
3 then owned by Ford) regarding Medius's automotive systems technology and intellectual  
4 property. In these meetings and communications, Medius discussed and made presentations  
5 to Ford and Volvo describing and disclosing Medius's technology in the areas of telematics,  
6 adaptive cruise control, lane departure warning, automated parking support, multimedia, and  
7 infotainment.  
8

9           8.       In 2002, in response to a request from Motorola to demonstrate to Ford a  
10 low-cost adaptive cruise control based on Medius's proprietary technology, Medius  
11 developed and demonstrated a working prototype of a multi sensor fusion system in support  
12 of adaptive cruise control. On September 5, 2002, Medius personnel met and communicated  
13 directly with Ford personnel about Medius, its intellectual property, and its automotive  
14 technologies, including autonomous and adaptive cruise control, automated parking support,  
15 and collision warning, mitigation and avoidance. Also in 2002, a former Ford executive  
16 joined Medius's Board of Advisors.  
17  
18

19           9.       Beginning in 2004 and continuing to 2008, Dan Preston and other Medius  
20 personnel conducted meetings with and gave presentations to Volvo personnel regarding  
21 Medius's technology and intellectual property relating to adaptive cruise control, lane  
22 departure warning, automated parking support, and other automotive systems. On  
23 information and belief, Volvo provided all of Medius's presentations to Ford.  
24

25           10.      From 2004 until 2008, Medius also conducted meetings and direct  
26 communications with Ford personnel to discuss Medius's automotive systems technology  
27  
28

1 and intellectual property, and Medius directly provided to Ford the presentations it had  
2 prepared for and delivered to Volvo. For example:

3 a. On July 12, 2004, Medius provided Ford with access to an FTP  
4 download site containing presentations and technical materials that Medius had prepared for  
5 and shared with Volvo, and Ford personnel subsequently acknowledged obtaining materials  
6 from the site;  
7

8 b. On July 20 and 21, 2004, Medius communicated with Ford about its  
9 automotive systems technology and notified Ford of its U.S. Patent No. 6,615,137;  
10

11 c. On August 20, 2004, Medius communicated with Ford and suggested  
12 that Ford could directly license Medius's technology;

13 d. On October 1, 2004, Medius provided to Ford a system reference  
14 presentation describing hardware, software, buses, and system architecture for various  
15 vehicle applications, including multimedia and infotainment and associated controls and  
16 consumer interfaces.  
17

18 11. By 2008, Ford halted its direct communications with Medius, although  
19 Medius's communications with Volvo continued into and beyond 2008.

20 12. No later than January 2009, Medius notified Ford that Ford's automotive  
21 audio systems, including Ford SYNC, infringed Medius's patents, specifically including one  
22 of the Patents in Suit, United States Patent No. 6,778,073.  
23

24 13. No later than March 2010, Medius notified Ford that Ford's automotive  
25 electronics systems, including Ford SYNC, infringed Medius's patents, including five of the  
26 Patents in Suit, United States Patent Nos. 6,778,073, 6,629,033, 7,146,260, 7,778,739  
27  
28

1 (which was then a pending application under notice of allowance, number 11/462,958), and  
2 7,793,136 (which was then a pending application, number 11/616,650).

3 14. Despite these notifications and Medius's education of Ford on the automotive  
4 systems described herein, Ford has refused to license Medius's patents and has continued to  
5 infringe the Patents in Suit by making, selling, offering for sale, and/or actively inducing  
6 others to use in an infringing manner, the automotive systems in Ford, Lincoln, and Mercury  
7 vehicles, as further set forth in this complaint.  
8

9 **COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,615,137**

10 15. Plaintiffs reallege and incorporate by reference paragraphs 1-14.  
11

12 16. On September 2, 2003, United States Patent No. 6,615,137 ("the '137  
13 patent"), attached as Exhibit A, was duly and legally issued for an invention entitled  
14 "Method and Apparatus for Transferring Information Between Vehicles."  
15

16 17. On information and belief, Ford has infringed and continues to infringe one  
17 or more claims of the '137 patent. Ford is liable for infringing the '137 patent under U.S.C.  
18 § 271 by making, selling, offering for sale, and/or actively inducing others to use in an  
19 infringing manner, at least Ford, Lincoln, and/or Mercury branded vehicles equipped with  
20 Active Park Assist.  
21

22 18. Ford has actual knowledge of the '137 patent and its infringement is willful.  
23

24 **COUNT II: INFRINGEMENT OF U.S. PATENT NO. 6,629,033**

25 19. Plaintiffs reallege and incorporate by reference paragraphs 1-14.  
26

27 20. On September 30, 2003, United States Patent No. 6,629,033 ("the '033  
28 patent"), attached as Exhibit B, was duly and legally issued for an invention entitled "Open  
Communication System for Real-Time Multiprocessor Applications."

1           21.     On information and belief, Ford has infringed and continues to infringe one  
2 or more claims of the '033 patent. Ford is liable for infringing the '033 patent under U.S.C.  
3 § 271 by making, selling, offering for sale, and/or actively inducing others to use in an  
4 infringing manner, at least Ford, Lincoln, and/or Mercury branded vehicles equipped with  
5 Integrated Control System for Stability Control as disclosed in U.S. Patent Application No.  
6 11/468,598, however branded.

8           22.     Ford has actual knowledge of the '033 patent and its infringement is willful.

9                   **COUNT III: INFRINGEMENT OF U.S. PATENT NO. 6,771,208**

10           23.     Plaintiffs reallege and incorporate by reference paragraphs 1-14.

11           24.     On August 3, 2004, United States Patent No. 6,771,208 ("the '208 patent"),  
12 attached as Exhibit C, was duly and legally issued for an invention entitled "Multi-Sensor  
13 System."

14           25.     On information and belief, Ford has infringed and continues to infringe one  
15 or more claims of the '208 patent. Ford is liable for infringing the '208 patent under U.S.C.  
16 § 271 by making, selling, offering for sale, and/or actively inducing others to use in an  
17 infringing manner, at least Ford, Lincoln, and/or Mercury branded vehicles equipped with  
18 BLIS (Blind Spot Information System) with Cross Traffic Alert.  
19

20           26.     On information and belief, Ford has actual knowledge of the '208 patent and  
21 its infringement is willful.  
22

23                   **COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 6,778,073**

24           27.     Plaintiffs reallege and incorporate by reference paragraphs 1-14.  
25  
26  
27  
28

1           28.     On August 17, 2004, United States Patent No. 6,778,073 (“the ‘073 patent”),  
2 attached as Exhibit D, was duly and legally issued for an invention entitled “Method and  
3 Apparatus for Managing Audio Devices.”

4           29.     On information and belief, Ford has infringed and continues to infringe one  
5 or more claims of the ‘073 patent. Ford is liable for infringing the ‘073 patent under U.S.C.  
6 § 271 by making, selling, offering for sale, and/or actively inducing others to use in an  
7 infringing manner, at least Ford, Lincoln, and/or Mercury branded vehicles equipped with  
8 SYNC and associated head unit and/or instrument panel displays.  
9

10           30.     Ford has actual knowledge of the ‘073 patent and its infringement is willful.  
11

12                   **COUNT V: INFRINGEMENT OF U.S. PATENT NO. 7,146,260**

13           31.     Plaintiffs reallege and incorporate by reference paragraphs 1-14.

14           32.     On December 5, 2006, United States Patent No. 7,146,260 (“the ‘260  
15 patent”), attached as Exhibit E, was duly and legally issued for an invention entitled  
16 “Method and Apparatus for Dynamic Configuration of Multiprocessor System.”  
17

18           33.     On information and belief, Ford has infringed and continues to infringe one  
19 or more claims of the ‘260 patent. Ford is liable for infringing the ‘260 patent under U.S.C.  
20 § 271 by making, selling, and/or offering for sale at least Ford, Lincoln, and/or Mercury  
21 branded vehicles equipped with SYNC and associated head unit and/or instrument panel  
22 displays, and/or with MyKey system.  
23

24           34.     Ford has actual knowledge of the ‘260 patent and its infringement is willful.  
25

26                   **COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 7,778,739**

27           35.     Plaintiffs reallege and incorporate by reference paragraphs 1-14.  
28

1           36.     On August 17, 2010, United States Patent No. 7,778,739 (“the ‘739 patent”),  
2 attached as Exhibit F, was duly and legally issued for an invention entitled “Method and  
3 Apparatus for Dynamic Configuration of Multiprocessor System.”

4           37.     On information and belief, Ford has infringed and continues to infringe one  
5 or more claims of the ‘739 patent. Ford is liable for infringing the ‘739 patent under U.S.C.  
6 § 271 by making, selling, offering for sale, and/or actively inducing others to use in an  
7 infringing manner, at least Ford, Lincoln, and/or Mercury branded vehicles equipped with  
8 SYNC and associated head unit and/or instrument panel displays.  
9

10           38.     Ford has actual knowledge of the ‘739 patent and its infringement is willful.  
11

12                   **COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 7,793,136**

13           39.     Plaintiffs reallege and incorporate by reference paragraphs 1-14.

14           40.     On September 7, 2010, United States Patent No. 7,793,136 (“the ‘136  
15 patent”), attached as Exhibit G, was duly and legally issued for an invention entitled  
16 “Application Management System With Configurable Software Applications.”  
17

18           41.     On information and belief, Ford has infringed and continues to infringe one  
19 or more claims of the ‘136 patent. Ford is liable for infringing the ‘136 patent under U.S.C.  
20 § 271 by making, selling, offering for sale, and/or actively inducing others to use in an  
21 infringing manner, at least Ford, Lincoln, and/or Mercury branded vehicles equipped with  
22 SYNC and associated head unit and/or instrument panel displays.  
23

24           42.     Ford has actual knowledge of the ‘136 patent and its infringement is willful.  
25

26                   **JURY DEMAND**

27           43.     Pursuant to Rule 38(b) of the Federal Rule of Civil Procedure, Plaintiffs  
28 respectfully request a trial by jury on all issues properly triable by jury.

**PRAYER FOR RELIEF**

44. WHEREFORE, Plaintiffs request entry of judgment in their favor and against Defendant as follows:

- a) Declaring that Ford has infringed each and every one of the Patents in Suit;
- b) Awarding damages arising out of Ford's infringement of the Patents in Suit, to Plaintiffs, together with prejudgment and post-judgment interest, in an amount according to proof;
- c) Permanently enjoining Ford and its respective officers, agents, employees, and those acting in privity with them, from further infringement, including contributory infringement and/or inducing infringement, of the Patents in Suit, or in the alternative, awarding a royalty for post-judgment infringement;
- d) Declaring that Defendant's infringement is willful and deliberate, and awarding Plaintiffs increased damages under 35 U.S.C. § 284;
- e) Awarding attorney's fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- f) Awarding such other costs and further relief as the Court may deem just and proper.

Dated: June 30, 2011

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